

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
DIVISION

RECEIVED

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Calvin Scott, Sr.
(Blind Vendor)

Plaintiff (s),
v.
James Buddy Swearengin
State of Alabama Dept. of Finance

Defendant(s)

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

CIVIL ACTION NO.
2:05-CV651WKW

Calvin Scott, Sr.
(Blind Vendor)

Plaintiff (s),
v.
Ray Dennis, Perry Hopper, Ken Green
State of Alabama Dept. of Rehabilitation Services
Business Enterprise Program

Defendant(s)

CIVIL ACTION NO.
2:05-CV652WKW

RESPONSE TO REQUEST TO DISMISS BY THE
HONORABLE JUDGE CHARLES S. COODY

This is my response to your request for additional information before dismissal. A Full Evidentiary Hearing Pursuant to the Randolph Sheppard Vending Act 20 U.S.C § 107 et seq held on October 6, 2005 at the ADRS office located at 2129 East South Blvd, Montgomery, Alabama. I received the written decision on October 15, 2005.

Enclosed you will find a letter requesting arbitration that I wrote to the United States Department of Education Secretary Margaret Spellings dated Oct. 23, 2005 and additional supporting

documentation. I received a response from the United States Department of Education Secretary Margaret Spellings office on November 8, 2005. I am still waiting for an assigned date for arbitration.

Enclosed is also a copy of the Certified Letter Signature Card with Return Receipt displaying the date when the United States Department of Education Secretary Margaret Spellings office received my request for arbitration. I followed up my request for arbitration with the Rehabilitation Administration Office on February 9, 2006 and spoke with Mr. Darius Mitchell concerning my arbitration date. Mr. Mitchell transferred me to the arbitration department where I spoke with a Ms. Suzette Haynes. After speaking with Ms. Haynes she said she had not received my request for arbitration from United States Department of Education Secretary Margaret Spellings office yet. So, I had to fax her as much of the background information that she needed to research this problem. I phoned Ms. Suzette Haynes again on February 13, 2006 and she said she is still working on setting up arbitration for me.

Judge Charles Coody I pray that you please do not dismiss this case since it is not my fault that the United States Department of Education Secretary Margaret Spellings office and her staff have yet to arrange for arbitration on my behalf when I requested it back on October 23, 2005.

Sincerely,

Calvin Scott, Sr.

Sworn to before me this 21st
Day of February 2006


NOTARY PUBLIC

My Commission Expires 1-11-2010

Respectfully Submitted,

Calvin Scott, Sr.

February 21, 2006
Date



Plaintiff(s) Signature

1416 Marler Rd

Pike Road, Alabama 36064

Address, City, State Zip Code

(334) 272-2657

Telephone Number

October 23, 2005

To: U.S. Department of Education Secretary
From: Calvin Scott, Sr. (Blind BEP Vendor)

Re: Civil Lawsuit Status

Dear U.S. Department of Education Secretary Margaret Spellings:

I, Calvin Scott, Sr., am a Blind Vendor with Alabama State Rehabilitation Business Enterprise Program(BEP) for the Blind in Montgomery, Alabama. I have been a blind vendor in good standing in this program for the past 30 years.

My assigned work facility is the Gordon Person's State Office Building located at 50 Monroe St in Montgomery, Alabama 36104. I have performed outstanding vendor services in the Gordon Person's State Office Building for the past 10 years of my 30-year career in this business.

In February 2005 the State of Alabama Department of Finance building manager along with my Business Enterprise Program Director and Representatives collaborated against me in an effort to take my job, however, in their haste they violated Federal and State Laws of Title I of the Americans with Disabilities Act (ADA), Title II, Title 504, and Alabama State Code 1975 §§ 21-1-40, 21-9-1 and 21-9-9; 20 U. S. C. § 107 et. Seq and committed libel, slander, and defamation of character.

On February 24, 2005 I was fired and inventoried out of the B.E.P. for the Blind without any hearings nor a Full Evidentiary Hearing as required by State and Federal Laws.

I immediately contacted the U. S. Department of Education Office for Civil Rights and provided full details of what had transpired and after a thorough investigation the Department of Education Office for Civil Rights provided me with their findings as well as supporting documentation that I acquired through the Freedom of Information Act. The letter I received from the Department of Education Office of Civil Rights in June 2005 stated that I as the complainant may file a private civil lawsuit pursuant to Section 203 of the Americans with Disabilities Act whether or not OCR finds violations of Title II.

My numerous attempts to retain an attorney that wasn't afraid of filing suit against the State of Alabama failed, so this left me no choice but to take matters into my own hands by filing my own civil lawsuit on July 14, 2005.

After I had written several letters to Federal and State governmental leaders, about 30 days after they fired me the Alabama Department of Rehabilitative Services along with the State of Alabama Department of Finance was forced to reinstate me back into the B.E.P with my same building assignment.

My first civil court appearance was short lived because Judge Charles Coody stated that I must follow the rules of the Randolph Sheppard Act which stated that I must exhaust every attempt to mediate through the system up to and including a Full Evidentiary Hearing before I could seek relief in the Civil Court system. He ordered that the Full Evidentiary Hearing be held within 20 days and that the results of the hearing be reported back to him when complete.

On Oct 6, 2005 the Full Evidentiary Hearing was held at the order of Judge Charles Coody and was mediated by hearing officer Frank S. James, III. In this hearing I provided page after page of documentation fully implicating each of the defendants from the State of Alabama Department of Rehabilitative Services and the Department of Finance State office building manager. I even provided documentation that the same defendants had tried this slanderous tactic before back in 1996. The defendant's lawyers had no defense against all of the written documentation I provided and my case was solid.

However, in the end the hearing officer Frank S. James, III failed to provide me with the justice I was due and he also failed to fully document the hearing and intentionally left out key points of information in an effort to side with the defendants.

After doing more research I was told that my next step in this civil lawsuit pursuit would be to contact the U.S. Dept of Education Secretary.

In closing, please advise me as to what my next steps will be in this process. I pray that the U.S. Dept of Education will provide me with the justice that I have earned and deserve.

Thank you for your time and I look forward to hearing from you soon regarding this important matter.

Sincerely,
Calvin Scott, Sr. 
Blind Enterprise Vendor (BEP)
Gordon Person's State Office Building

Mailing Address:
1416 Marler Road
Pike Road, Alabama 36064
(334) 272-2657



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, DC 20202- _____

November 8, 2005

Mr. Calvin Scott, Sr.
Blind Enterprise Vendor (BEP)
1416 Marler Road
Pike Road, AL 36064

Dear Mr. Scott:

I am writing in response to your October 23, 2005, letter to Secretary Margaret Spellings in the U.S. Department of Education (Department), which was forwarded to the Office for Civil Rights (OCR), for reply. In your letter, you alleged that your employer discriminated against you because of your disability. You also alleged you filed a complaint with OCR and then filed a civil suit against your employer. You claimed you were informed that you should contact Secretary Spellings for further assistance, as you did not feel the results of the civil suit were just.

I have forwarded your correspondence to the Office of Special Education and Rehabilitative Services (OSERS) for review. That office may be able to assist you further with this matter. You may contact that office directly at the following mailing address or telephone number:

Rehabilitation Services Administration
400 Maryland Ave, SW
Washington, DC 20202-7100

Phone: (202) 245-7488

I hope the information provided is of assistance to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jill Shawen" with "for" written below it.

David D. Gersten
Team Leader
Customer Service Team
Office for Civil Rights

CC: Rehabilitative Services Administration

www.ed.gov

Our mission is to ensure equal access to education and to promote educational excellence throughout the nation.

FROM: JILL SHAWEN

TO: CALVIN SCOTT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms Margaret Spellings
 U.S. Dept. Education
 Secretary Office
 Washington, DC
 20540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☒ Agent ☐ Addressee

B. Received by (Printed Name) *D. Murray* C. Date of Delivery *10/25/05*

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

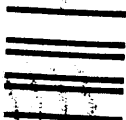
3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number 7005 0390 0001 0101 3477
 (Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Calvin Scott Sr.
1416 Marler Rd.
Pike Rd. Ma. 36064

3606413614 1416 Marler Rd. Pike Rd. Ma. 36064

Date: Feb. 21, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this day Feb. 21, 2006, a copy of this
documents was mailed to council for defendants.

Calvin Scott Sr.

Signature
Calvin Scott, Sr.